

RESPONSIBLE VENDOR ACT

Effective July 1, 2007

The 2006 General Assembly passed the “Tennessee Responsible Vendor Act of 2006”, cited at T.C.A. §57-5-601 et seq. This Act allows off-premise beer permittees to voluntarily participate in training of their employees on the responsible sale of alcoholic beverages. By complying with this Act, these participants would receive certain beneficial treatment when faced with a first offense related to the sale of alcoholic beverages to a minor.

The Responsible Vendor Act does not authorize the Tennessee Alcoholic Beverage Commission (“TABC”) to regulate beer. Municipal and county beer boards have always held this authority, and this law does not affect any of their jurisdiction. Local law enforcement and beer inspectors will continue, as always, to enforce the state statutes and the local ordinances as it pertains to off-premise beer permittees.

The Responsible Vendor Act authorizes the TABC to regulate the certified training programs and the participating vendors—as related to training. The TABC, will in turn, maintain a database of information related to all participating beer vendors and their employees for local beer boards and local law enforcement when an off-premise beer permittee sells beer to a minor. Specifically, the procedure is anticipated to be as follows:

The TABC will certify training programs which will train off-premise beer permittees’ clerks/employees on the responsible sale of alcoholic beverages. Topics will include the effects of alcohol on the body, how to identify fake and/or altered identification, identifying situations where clerk intervention is necessary, etc. Off-premise beer permittees may elect to participate in this program and conduct and/or receive certified training for their employees/clerks; this participation is not mandatory, and is on a voluntary basis. By participating in the the program and by meeting all the requirements of such, then the beer permittee receives certain reductions in punishments that may be assessed on a first offense sale of alcoholic beverages to a minor by the local beer board.

A beer board may only assess up to a one thousand dollar (\$1000) civil penalty on a first offense sale to a minor—suspension or revocation of the permit will not be an option. Suspension or revocation may occur if the permittee has at least two offenses of this nature within a twelve (12) month period.

On the other hand, if a beer permittee does not participate in the responsible vendor program, the beer board may assess up to a twenty-five hundred dollar (\$2500) civil penalty, suspend or revoke the beer permit.

Cooperation and coordination between local beer boards, local law enforcement and this agency will be required. When an off-premise beer permittee is charged with selling alcoholic beverages to a minor, it is anticipated that the burden will be on the beer permittee to prove to the local beer board that it is a certified participant in the program and is eligible to receive a reduction in disciplinary action. The TABC will provide such information upon request.

When a beer board takes disciplinary action against a beer permittee related to the sale of alcoholic beverages to a minor, the TABC should be notified to ensure that certain notations are made in the database. That will ensure that that specific beer permittee is not eligible for a subsequent reduction in discipline.

As previously stated, each clerk must attend a certified training within sixty-one days of employment to maintain employment as a clerk by a responsible vendor. When clerks of a participating beer vendor sells alcohol to a minor, then the beer board should notify the TABC within fifteen days of finding that the sale occurred. At that time, the TABC will notify the clerk and the responsible vendor that the clerk has lost their certification, and is thus, ineligible to work at a certified responsible vendor premise for a period of one year.

The TABC is currently in the process of drafting rules and regulations that will assist in the implementation of the Responsible Vendor Act. If you have questions about this program, please contact the TABC at 615-741-1602.